

~~CONFIDENTIAL~~UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA) CRIMINAL NO. 12cr10384
)
) VIOLATION
)
v.) 18 U.S.C. § 2252(a)(4)(B)
)
) Possession of Child
MELCHOR DATU,) Pornography
)
)
Defendant) 18 U.S.C. § 2253
) Criminal Forfeiture Allegation
)

INDICTMENT

COUNT ONE: 18 U.S.C. § 2252(a)(4)(B) - Possession of Child Pornography

The Grand Jury charges that:

On or about October 1, 2008, within the District of Massachusetts, and elsewhere,

MELCHOR DATU,

defendant herein, knowingly possessed a book, magazine, periodical, film, video tape, and other matter, which contained a visual depiction that had been mailed, and had been shipped and transported using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce, and which was produced using materials which had been mailed, and so shipped and transported, by any means including by computer, where the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction was of such conduct, that is: MELCHOR DATU knowingly possessed an electronic storage device, including, but not limited to: one HP Pavilion laptop computer, serial number CNF 701C; one Western Digital hard drive digital storage unit, serial

number WMAL91012874; and one Maxtor hard drive digital storage unit, serial number Y47Y41HE, and which electronic storage devices contained one or more visual depictions of a minor under the age of 18 years engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(A).

All in violation of Title 18, United States Code, Section 2252(a)(4)(B).

FORFEITURE ALLEGATION
(18 U.S.C. § 2253)

The Grand Jury further charges that:

1. The allegations of Counts One of this Indictment are hereby re-alleged and are incorporated herein by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 2253.

2. Upon conviction of the offenses in violation of 18 U.S.C. § 2252 set forth in Count One of this Indictment,

MELCHOR DATU,

defendant herein, shall forfeit to the United States, pursuant to 18 U.S.C. § 2253, any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Chapter 110 of Title 18, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Chapter 110 of Title 18; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses or any property traceable to such property. The property to be forfeited includes, but is not limited to, items seized by law enforcement on October 1, 2008 from the defendant's residence, specifically:

- (a) One HP Pavilion laptop computer, serial number CNF 701C;
- (b) One Western Digital hard drive digital storage unit, serial number WMAL91012874;
and
- (c) One Maxtor hard drive digital storage unit, serial number Y47Y41HE.

3. If any of the property described in Paragraph 2 above, as a result of any act or omission of the defendant -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

it is the intention of the United States, pursuant to 18 U.S.C. § 2253(b), incorporating 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in subparagraphs (a) through (e) of this paragraph.

All pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL

Ann McGovern
FOREPERSON OF THE GRAND JURY

Thos K
THOMAS E. KANWIT
ASSISTANT U. S. ATTORNEY

DISTRICT OF MASSACHUSETTS; December 18, 2012

Returned into the District Court by the Grand Jurors and filed.

T.B.C.
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